

REMARKS**INTRODUCTION:**

The specification and claims 1, 5, 6, 13, 21, 23, 24, 27 and 29 have been amended. Support for the claim amendments may be found at least at paragraphs [0025] and [0031], and therefore no new matter has been presented. Claims 8-10 and 16-18 have been cancelled.

Claims 1, 2, 4-6, 11-15, 19-27 and 29 are pending and under consideration. Claims 1, 13, 21, 23, 27 and 29 are independent claims. Favorable reconsideration of this application, in light of the following discussion and in view of the present amendments, is respectfully requested.

REJECTION UNDER 35 U.S.C. §101:

Claims 19 and 20 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. The rejections are traversed and reconsideration is requested.

Applicant has amended paragraph [0040] of the specification to address the rejections. Accordingly, it is respectfully requested the rejection of claims 19 and 20 be withdrawn.

REJECTIONS UNDER 35 USC 102 and 103:

Claims 1-3, 5-6, 11, 13-14, 19-21 and 27 stand rejected under 35 U.S.C. 102(b) as being anticipated by DE 10114950 to Goertz Werner ("Werner"). Claims 4, 8-10, 12, 15-18, 22-26 and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Werner in view of U.S. Patent No. 5,920,826 to Metso et al. ("Metso"). The rejections are respectfully traversed.

Applicant first wishes to thank the Examiner for providing the requested translation of Werner, mailed November 26, 2007. All citations made by Applicant to Werner herein refer to the provided translation.

Amended independent claim 1 recites at least the following features:

storing the received SMS short messages in a memory region
according to a user selection;

Werner and Metso, taken separately or in combination, do not suggest or disclose at least the above-recited features.

The Office Action asserts at page 3, item 2, that Werner describes “storing the received SMS short messages in a predetermined memory region according to a user selection” at page 1, third paragraph of Werner, “where the message is being stored [sic] predetermined memory card.” Applicant respectfully disagrees for at least the following reasons.

Applicant first notes that page 1 of Werner (translation mailed by the Office on November 26, 2007) merely provides title and header data of Werner and does not include a third paragraph as cited in the Office Action. Applicant requests any further citations to Werner provide the corresponding paragraph number for clarity, as provided in the above-referenced translation. For the sake of argument, Applicant assumes the Office intended to refer to paragraph [0004] of Werner, which states:

“The Short Message Service Center is the exchange centre for short messages. All messages are firstly stored immediately in it till the recipient is reachable in order to transmit the short message to him. Incoming messages are stored on a memory card, the so-called SIM-card of the mobile subscriber and signalized to the mobile subscriber via a display unit.”

The above-cited text from Werner merely describes the storing of messages on a memory card, and thus fails to describe “storing...according to a user selection” as recited in amended independent claim 1. Accordingly, Werner does not describe all of the above-recited features.

Metso is directed to a communication system for transmitting text messages to a mobile terminal in a radio telephone network. Metso merely describes the storing of SMS messages (col. 13, lines 9-12), and thus fails to describe “storing...according to a user selection” as recited in amended independent claim 1. Accordingly, Metso also fails to suggest or disclose all of the above-recited features.

Amended independent claim 1 recites at least the following features:

deleting the printed SMS short messages according to the user selection after the printing.

Werner and Metso, taken separately or in combination, do not suggest or disclose at least the above-recited features.

The Office Action notes at page 9, item 9, that Werner fails to describe “deleting the printed SMS short messages according to a user selection.” However, the Office Action proposes to modify Werner with Metso, stating that Metso “teaches deleting the printed SMS short messages according to a user selection” at col. 10, lines 39-41. With regard to the printing of short messages, Metso states at col. 10, line 8:

“When the SMS page 800 has been selected, via the vertical button bar for example, the window described in FIG. 8 will appear. On this page the user is able to send, reply, forward, print and delete short messages.”

Thus, Metso fails to describe “deleting the printed SMS short messages according to the user selection after the printing.”

Accordingly, Applicant respectfully submits that amended independent claim 1 patentably distinguishes over Werner and Metso, and should be allowable for at least the above-mentioned reasons. Since similar features recited by independent claims 13, 21, 23, 27 and 29, with potentially differing scope and breadth, are not taught or disclosed by the references, the rejection should be withdrawn and claims 13, 21, 23, 27 and 29 also allowed.

Further, Applicant respectfully submits that claims 2, 4-6, 11, 12, 14, 15, 19, 20, 22 and 24-26, which variously depend from independent claims 1, 13, 21, 23, 27 and 29, should be allowable for at least the same reasons as claims 1, 13, 21, 23, 27 and 29, as well as for the additional features recited therein.

Independent claim 21 recites at least the following features:

A short message service (SMS) printing apparatus, comprising a programmed computer processor according to a user selection setting up a call to the SMS

The Office Action asserts on page 3, item 3 that Werner describes the above-recited features because the fax machine of Werner is inherently capable of placing a call. However, even assuming for the sake of argument that the fax machine of Werner is inherently capable of placing such a call, Werner still fails to suggest “according to a user selection setting up a call to the SMS.”

Further, Metso fails to compensate for the deficiencies of Werner.

Accordingly, Applicant respectfully submits that independent claim 21 patentably distinguishes over the cited references, and should be allowable for at least the above-mentioned reasons. Since similar features recited by independent claim 27, with potentially

differing scope and breadth, are not taught or disclosed by the references, the rejection should be withdrawn and claim 27 also allowed.

In addition, claim 22, which depends from independent claim 21, should be allowable for at least the same reasons as claim 21, as well as for the additional features recited therein.

REQUEST FOR ENTRY IN ACCORDANCE WITH 37 CFR 1.116:

Entry of this Amendment in accordance with 37 CFR 1.116 is respectfully requested because the enclosed amendments comply with requirements of form expressly set forth in the previous Office Action and present the rejected claims in better form for consideration on appeal.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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